

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE DIVISION

ROBERT RHODES,	)	
	)	
Plaintiff,	)	1:20-CV-00169-RAL
	)	
vs.	)	
	)	RICHARD A. LANZILLO
	)	UNITED STATES MAGISTRATE JUDGE
DEREK OBERLANDER, STATE	)	
CORRECTIONAL INSTITUTION-	)	
FOREST'S CORRECTION EMERGENCY	)	ORDER ON DEFENDANTS'
RESPONSE TEAM, ALL IN THEIR	)	MOTION TO DISMISS
INDIVIDUAL CAPACITIES; C/O	)	
BRENDAN CLARK, SGT. JASON	)	ECF NO. 50
DIETRICH, JOHN DOE, SCI-FOREST	)	
CERT TEAM, ALL IN THEIR	)	
INDIVIDUAL CAPACITIES; AND JOHN	)	
DOE CERT TERM CORRECTIONS	)	
OFFICERS 1-20,	)	
	)	
Defendants,	)	
	)	

Based upon this morning's status conference in this matter, it is hereby **ORDERED** as follows:

1. Defendants are to provide the Plaintiff with a copy of the video recording of the incident within ten days of the date of this order;
2. The Plaintiff's requests for documents and other written discovery are to be responded-to by the Defendants within thirty-days of the date of this order;
3. Within twenty-one days of the receipt of the video recording and the other requested discovery materials, the Plaintiff is granted leave of court to file a second Amended Complaint;

3. The Defendants' motion to dismiss, pending at ECF No. 50 is **DENIED** without prejudice. Defendants may refile their present motion or an entirely new motion to dismiss within twenty-one days of the filing of a second Amended Complaint;

4. A telephonic status conference is hereby set for Wednesday, December 22, 2021, beginning at 9:00 AM.

**ORDERED** and **DATED** this 15<sup>th</sup> day of November, 2021.

BY THE COURT:



RICHARD A. LANZILLO  
UNITED STATES MAGISTRATE JUDGE